



# The Voter

March 2011

League of Women Voters of Sumter County

## Judicial Diversity Family Court

Judge George McFaddin made the fourth presentation in our series on “Judicial Diversity in South Carolina” at 6:00 PM on Monday, February 21, 2011 in the Seminar Room of CCTC’s Health Sciences Building on South Main Street. Judge McFaddin is serving his second six-year term on the Family Court of the Third Judicial Circuit.

Born and raised in Sumter County, Judge McFaddin worked at a number of jobs before earning his J.D. in 1985. He served as a law clerk until his election to the Family Court in 2002. Judge McFaddin lives in the Salem Black River community of Sumter County, is married, and has two daughters.

Judge McFaddin opened his remarks with the comment, “There are no winners in Family Court.” Family Court deals in cases involving Divorce, Child Adoption, Abuse and Neglect, Child Support and Juvenile Delinquency. This court deals in a lot of human misery and sees the worse side of our society on a regular basis. The only good action is an ‘uncontested adoption.’ The court celebrates “Adoption Day” twice a year.

Family Court Judges go through the same selection process as Circuit Court Judges: background checks by SLED, written exams, interviews and public hearings before the Judicial Merit Selection Commission. The JMSC recommends up to three candidates and the South Carolina Legislature elects the judge in Joint Session.

(continued on Page 4)

## March Annual Membership Meeting

League of Women Voters of Sumter County

**6:00 PM, Monday, March 14, 2011**

**Topic: Master in Equity**

**Speaker: Judge Richard L. Booth**

**Location:** Central Carolina Technical College

New Health Sciences Center

Seminar Room

133 South Main Street

Sumter, SC 29150

Contact: Dawn Adkins (803) 774-3337

**Dues are due: \$45.00.**



## Mark Your Calendars!

### Future Programs

**April 11, 2011**

**6:00pm**

**May 9, 2011**

**6:00pm**

## South Carolina Racial and Gender Diversity

### Composition of South Carolina Population:

Racial Diversity:	Gender Diversity:
Caucasian—68%	Female—52%
African-American—30%	Male—48%
Other—2%	

### Composition of South Carolina Courts:

Supreme Court (5):		
Male—3	Female—2	African/American—1
Appellate Court (9):		
Male—7	Female—2	African/American—1
Circuit Court (48):		
Male—42	Female—6	African/American—5
Family court (59)		
Male—39	Female—20	African/American—7
Probate Court (46)		
Male—21	Female—25	African/American—2

Source: Data provided by the LWVSC. Data does not provide break out of gender of African-American judges.

## Rally for a Moral State Budget Saturday, March 12, 2011 at 1pm

LWVSC, the SC Chamber of Commerce and 36 local Chambers signed a petition for a moral state budget endorsing a call to eliminate sales tax exemptions. The action calls on the state to cut some of the \$3.7 billion in sales and service tax exemptions to keep critical state services functioning. Signers are not being specific, as a group, as to where that revenue should come from or go to.

Sponsoring organizations ask our state government to:

1. Make no more cuts to state programs for social services, Medicaid and education—such cuts are not the only option;
2. Raise taxes fairly to meet the needs of all South Carolinians, rather than do what is wrong for us all for the good of the well-resourced and for votes in the next election; and
3. Enact legislation to create a moral tax code that does not unreasonably burden the most vulnerable among us and that does ask more by raising taxes from those among us who have the most.

Please consider participating in the rally on March 12th at 1pm on the front steps of the State House.

You can visit <http://tiesthatbindsc.org/> for additional info about the rally and to sign on to the petition.

## SCLWV Legislative Day February 23, 2011

I had the pleasure to attend the Legislative Day that a number of organizations sponsored on Wednesday, February 23, 2011 at the Epworth Children's Home, Millwood Avenue, Columbia, SC. About four hundred women attended, plus a few men. The purpose was to lobby the State Legislature on behalf of the various organizations and to gather information on a few issues.

Dr. Mike Fanning, Director, Olde English Consortium, made an excellent presentation on the question, "Is our State Broke? ..Or is our System Broken? He called for the legislature to enact "Comprehensive Tax Reform" using the recommendations made by the SC Tax Realignment Commission last December. Our tax system consisted of three components—Income, Sales Tax and Property—until Act 388 substituted Sales Tax for Property taxes on owner occupied homes. We need to get back to the three-legged stool. Last fall the candidates talked tax reform; now in office they are loath to tackle the issue.

If you are concerned, I suggest you go to [www.roarsc.com](http://www.roarsc.com) for information and possible courses of action. Contact Old English Consortium at [www.oldeenglishconsortium.org](http://www.oldeenglishconsortium.org) or call 803-385-5413, or email to [FanningOEC@gmail.com](mailto:FanningOEC@gmail.com)

\*Of 2.1 million state income tax returns filed, 41% have ZERO tax liability. SC ranks 6<sup>th</sup> in number of taxpayers who pay no income taxes.

\*State Sales Tax, 6%, raises \$2.5 billion annually. We exempt more, \$2.7 billion, per year than we collect. We are subsidizing those who enjoy the exemption. Cull the list.

\*We collect \$300 on the sale of a \$5,000 used car. We collect \$300 on the sale of a 2009 Lamborghini Roadster that sold for \$385,000, and \$300 on a \$36,000 BMW. NC collects \$1,080 on the BMW, and Georgia collects \$2,320. Why not change our law?

\*We have two "Tax Free Weekends," one to purchase guns. On Back to School holiday, we allow brides to purchase wedding dresses & law firms to buy a year's supply of paper.

\* We do not collect sales tax on Internet Sales, putting local firms at a disadvantage.

\* 2/3 of all SC purchases are for "services" but we exempt 133 of 168 services from sales tax. We lose almost \$1.0 billion per year. Revise the list of exemptions for 2011.

\*There are 19 new bills for exemptions—animal husbandry to geothermal heat pumps.

\*Fundamentally, taxes must be competitive, adequate and equitable. Our tax code, as it has evolved over the past twenty years, is none of the above. We need to make Honest Comprehensive Tax Reform a reality over the next two years. I concur with Dr. Fanning.

Chuck Gibbs

## Why This Cop Asked the President About Legalizing Drugs

You might not think a 65-year-old retired cop would take to the Internet to ask the president of the United States to consider legalizing drugs, but that's just what I did recently. The answer I got from President Obama in YouTube's "Your Interview with the President" contest pleasantly surprised me.

In stark contrast to when the president literally laughed off discussion of marijuana policy in a similar online question-and-answer session in 2009, Obama responded to me by saying that legalizing drugs is "an entirely legitimate topic for debate." Although he noted that he remains personally opposed to legalization for now, he acknowledged that "we have been so focused on arrests, incarceration, interdiction... that we don't spend as much time thinking about how to shrink demand." This welcome statement validated the viewpoint I developed over my 15 years of trying to enforce the drug prohibition laws.

I began my career in law enforcement as a deputy with the Los Angeles Sheriff's Department in 1985. Later, I moved to Washington State to work for the King County Sheriff's Office in Seattle, where I worked in our most difficult neighborhoods as a patrol deputy and training officer. I also did a stint as an undercover detective making drug buys, running informants and writing and executing search warrants. I long ago lost count of how many drug arrests I made.

You might think my attitude towards drug users would only have hardened over the years, but the opposite proved to be the case. Understand, I in no way condone or support the use of drugs. And crimes committed by drug users to support their habits must be punished as the crimes they are.

What I came to understand, however, is that this is really a public health and education problem and must be addressed as such. I'm old enough to remember when doctors in white lab coats were on TV hawking cigarettes. It took a long time and a consistent public awareness campaign, but tobacco use in America is down dramatically. Can you imagine the mayhem had we outlawed cigarettes? Can you envision the "cigarette cartels" and the bloodbath that would follow? Yet, thanks to a public awareness campaign we've made a huge dent in tobacco use without arresting a single cigarette smoker.

The "drug" problems our society is plagued with are, for the most part, actually drug *prohibition* problems, the result of a black market. We will never be able to legislate people away from self-intoxication.

It's been going on since the first hominid ate a piece of fermenting fruit and got high on the alcohol content. All we succeed in doing by outlawing these substances is create a gargantuan black market for drug dealers and cartels. The illicit market is estimated to be a half-trillion dollars a year. For that kind of money you can buy yourself a sovereign country and in some cases the cartels seemingly have. Mexico is engaged in, basically, open warfare with the cartels. The level of violence and brutality is unprecedented.

If the colloquial definition of insanity is doing the same thing over and over, expecting a different result, what does that say about our "War on Drugs"? We've been pursuing this strategy for 40 years. It has cost a trillion taxpayer dollars, thousands of lives (both law enforcement and civilian) and destroyed hundreds of thousands more by incarceration. Moreover, it undermines the safety of our communities by overcrowding our jails and prisons, forcing them to give early release to truly violent offenders.

So, in a country where, all too often, the only voices heard (or at least heeded) are those of large corporations or special interest groups with powerful lobbyists in Washington, I thought the president's YouTube forum might be a chance to pose a question directly to the person in charge. Long odds to be sure, but a chance nonetheless. Surprise doesn't begin to describe my reaction upon learning my video question ranked first place in the online voting and would be presented to the president.

It is extremely encouraging to hear President Obama respond to a question about our national drug policy in a reasonable, respectful and serious manner, the first time a sitting president has done so.

This is obviously a complicated, highly-charged issue, with Obama and many elected officials still opposed to legalization. But nothing will ever improve without first acknowledging the need for discussion. In that regard, the president's YouTube comments are a tremendous first step.

We can only hope his words encouraging a serious debate on the topic prove to be more than rhetoric, and that he will take on the admittedly complicated challenge of revisiting and, hopefully, revising our national stance on drugs.

*MacKenzie Allen, a member of Law Enforcement Against Prohibition, is a retired deputy sheriff who did policing in Los Angeles and Seattle.*

Source: Huffington Post, February 23, 2011;  
[http://www.huffingtonpost.com/mackenzie-allen/why-this-cop-asked-the-pr\\_b\\_827338.html](http://www.huffingtonpost.com/mackenzie-allen/why-this-cop-asked-the-pr_b_827338.html)

## Continued from Page 1

There are no juries in Family Court—the judge is the jury. There are no law clerks assigned to Family Court, but various state agencies do investigations and make recommendations depending on the kind of case being adjudicated. Judge McFaddin might hear twenty-five cases in one day, and then deal with only one case in a week.

In South Carolina, divorce may be granted for Adultery, Drug and Alcohol Abuse, Physical Abuse, Separation for one year, or Desertion. In divorce cases, minor children under seven no longer go automatically to the mother. After a one-year separation, a ‘No Fault’ divorce is granted. Adultery can be heterosexual or homosexual relations between individuals. While ‘common law marriage’ is still recognized in South Carolina, legal determination of such a relationship is most difficult.

In cases of physical abuse, Judge McFaddin relies on investigations by Social Services and police departments. Hospitals and other agencies may also provide pertinent details. The purpose, of course, is to rescue the abused person from the abuser.

One of the more difficult tasks is to enforce payment of Child Support to the parent raising the child. If the person paying support is placed in jail, their ability to make payments is diminished. However, incarceration may be necessary to get the person’s attention so they make required payments on time. Judge McFaddin can ‘garnish’ wages if that becomes necessary.

Finally, Judge McFaddin discussed his duties in the area of Juvenile Delinquency cases. The parent must gain control of the child and the child must change his/her behavior. In many cases, detention is not the real answer.

Judge McFaddin reports that he has seen an increase in apparent gang activity, especially those involving fighting between youths.

Following his presentation, there was a number of questions raised by League members that went, “What do you do in case of .....?” Judge McFaddin demonstrated that there is some humor in Family Court as he related unusual statements, or answers to questions, made by parties during various court proceedings.

After listening to Judge McFaddin as he described his duties, I agree with him, “There are no winners in Family Court!” I’m sure the community agrees with me when I say, “Thank you” to Judge McFaddin for his service to our society and for his willingness and wisdom to seek the best possible solution to problems that have no easy solutions.

Chuck Gibbs, President.

Sumter County LWV Local Officers		
President	Charles Gibbs cgibbs@sc.rr.com	775-0487
Past President	Lorraine Dennis	905-4350
First Vice President	Barbara Brown	469-3165
Second Vice President	Marie Hill	469-4252
Treasurer	Barbara Wiley	469-8419
Secretary	Ethel Wells	481-2342
Director	Jeanette Roveri	720-3019
Director	Evelyn Bradford	499-5961